

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD K. SINCAVAGE,)	Civil Action
)	No. 11-cv-07813
Petitioner,)	
)	
v.)	
)	
)	
KENNETH CAMERON,)	
Superintendent,)	
THE DISTRICT ATTORNEY OF THE)	
COUNTY OF PHILADELPHIA and)	
THE ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondent)	

O R D E R

NOW, this 2nd day of May, 2014, upon consideration of
the following documents:

- (1) Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, which petition is dated December 7, 2011 and was filed on December 19, 2011 (Document 1);¹
- (2) Response to Petition for Writ of Habeas Corpus, which response was filed June 25, 2012 (Document 16);
- (3) Petitioner's Reply to the District Attorney Response to Petition for a writ of Habeas Corpus, which reply was filed August 17, 2012 (Document 17);
- (4) Supplemental Response to Petition for Writ of Habeas Corpus, which supplemental response was filed August 26, 2013 (Document 31);

¹ Mr. Sincavage's original petition for writ of habeas corpus was filed on December 19, 2011. However, the petition itself indicates that it was signed by petitioner on December 7, 2011. Thus, giving petitioner the benefit of the prison mailbox rule, (See Burns v. Morton, 134 F.3d 109 (3d Cir. 1998) and Rule 3(d) of the Rules Governing Section 2254 Cases in the United States District Courts), I consider December 7, 2011 the filing date of Mr. Sincavage's original petition.

- (5) Petitioner's Reply to the Philadelphia District Attorney's Supplemental Response to Petition for a writ of Habeas Corpus...Filed by the District Attorney on August 26, 2013, which reply was filed on November 18, 2013 (Document 32); and
- (5) Report and Recommendation of United States Magistrate Judge David R. Strawbridge dated and filed March 28, 2014 (Document 33);

it appearing that as of the date of this Order no objections have been filed to the Report and Recommendation of Magistrate Judge Strawbridge; it further appearing after review of this matter that Magistrate Judge Strawbridge's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Strawbridge's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the petition for habeas corpus relief is denied without an evidentiary hearing.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this ruling debatable, and because petitioner fails to demonstrate denial of a constitutional right, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge